

SENATE BILL 89

P1, D5

0lr0114

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Human Relations Commission)**

Requested: November 15, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Commission on Human Relations – Name Change**

3 FOR the purpose of changing the name of the Maryland Commission on Human
4 Relations to the Maryland Commission on Civil Rights; correcting
5 cross-references to reflect the name change; and generally relating to changing
6 the name of the Maryland Commission on Human Relations.

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 19–355
10 Annotated Code of Maryland
11 (2009 Replacement Volume)

12 BY repealing and reenacting, with amendments,
13 Article – Insurance
14 Section 2–202
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 2–307 and 12–202(h)
20 Annotated Code of Maryland
21 (2003 Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – State Finance and Procurement
24 Section 19–103(e) and 19–116
25 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume)

2 BY repealing and reenacting, with amendments,

3 Article – State Government

4 Section 9–2404, 10–107, 10–1103, and 20–101; and 20–201 to be under the
5 amended subtitle “Subtitle 2. Commission on Civil Rights”

6 Annotated Code of Maryland

7 (2009 Replacement Volume)

8 BY repealing and reenacting, with amendments,

9 Article – State Personnel and Pensions

10 Section 5–203 and 5–205(c)

11 Annotated Code of Maryland

12 (2009 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Transportation

15 Section 5–408

16 Annotated Code of Maryland

17 (2008 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Health – General**

21 19–355.

22 (a) A hospital or related institution may not discriminate in providing
23 personal care for an individual because of the race, color, or national origin of the
24 individual.

25 (b) The Commission on [Human Relations] **CIVIL RIGHTS** shall enforce this
26 section as provided in Title 20 of the State Government Article.

27 **Article – Insurance**

28 2–202.

29 (a) (1) Notwithstanding any other law and except as provided in
30 paragraph (2) of this subsection, the Commissioner has exclusive jurisdiction to
31 enforce by administrative action the laws of the State that relate to the underwriting
32 or rate–setting practices of an insurer.

33 (2) The [Human Relations Commission] **COMMISSION ON CIVIL**
34 **RIGHTS** has concurrent jurisdiction with the Commissioner over alleged
35 discrimination on the basis of race, creed, color, or national origin.

1 (b) When the Commissioner has exclusive jurisdiction under subsection (a) of
2 this section, the [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS**
3 may:

4 (1) refer complaints about discriminatory practices to the
5 Commissioner;

6 (2) appear before the Commissioner as a party at a hearing about
7 discriminatory practices;

8 (3) make recommendations about discriminatory practices to the
9 Commissioner;

10 (4) represent a complainant in proceedings under § 2–210 of this
11 subtitle; and

12 (5) appeal as a party aggrieved by an order or decision of the
13 Commissioner under § 2–215 of this subtitle or § 11–503 of this article.

14 (c) The Commissioner shall notify the [Human Relations Commission]
15 **COMMISSION ON CIVIL RIGHTS** of any hearing scheduled on a complaint about
16 alleged discriminatory practices.

17 (d) On request of the [Human Relations Commission] **COMMISSION ON**
18 **CIVIL RIGHTS** and unless the complainant objects, the Commissioner shall give the
19 [Human Relations Commission] **COMMISSION ON CIVIL RIGHTS** all information
20 about any complaint about alleged discriminatory practices received by the
21 Commissioner.

22 (e) The Commissioner and the [Human Relations Commission]
23 **COMMISSION ON CIVIL RIGHTS** shall set guidelines for determining when
24 allegations in a complaint about alleged discriminatory practices are sufficient to
25 warrant a hearing.

26 Article – Public Safety

27 2–307.

28 (a) The Department shall collect, analyze, and disseminate information
29 about the incidence of crime in the State.

30 (b) (1) The Department shall collect and analyze information about
31 incidents apparently directed against an individual or group because of race, religion,
32 ethnicity, or sexual orientation.

1 the State. The company understands and agrees that violation of this clause shall be
2 considered a material breach of this agreement and may result in contract
3 termination, disqualification by the State from participating in State contracts, and
4 other sanctions.”.

5 **Article – State Government**

6 9–2404.

7 (a) There is a Maryland Advisory Council for the Deaf and Hard of Hearing.

8 (b) (1) The Council consists of 16 members appointed by the Governor,
9 with the advice and consent of the Senate.

10 (2) Of the 16 Council members, at least five of the members shall be
11 deaf and hard of hearing individuals.

12 (c) Of the 16 Council members:

13 (1) one shall be the State Superintendent or a designee from the State
14 Department of Education;

15 (2) one shall be the Secretary or a designee from the Department of
16 Health and Mental Hygiene;

17 (3) one shall be the Secretary or a designee from the Department of
18 Human Resources;

19 (4) one shall be the Secretary or a designee from the Department of
20 Transportation;

21 (5) one shall be from the [Human Relations Commission]
22 **COMMISSION ON CIVIL RIGHTS;**

23 (6) one shall be the Secretary or a designee from the Department of
24 Labor, Licensing, and Regulation;

25 (7) one shall be the Secretary or a designee from the Department of
26 Housing and Community Development;

27 (8) one shall be the Superintendent or a designee from the Maryland
28 School for the Deaf; and

29 (9) eight shall be from the general public.

30 (d) (1) The eight members from the general public shall be chosen from
31 different geographical areas of the State.

- 1 (2) Of the eight members from the general public:
- 2 (i) five shall be deaf and hard of hearing individuals;
- 3 (ii) one shall be a private citizen with special knowledge or
4 expertise relating to services to deaf and hard of hearing individuals;
- 5 (iii) one shall be a parent of a deaf or hard of hearing child; and
- 6 (iv) one shall be from a private agency providing services to deaf
7 and hard of hearing individuals.

8 10–107.

9 (a) “Unit counsel” means the unit counsel for the [Human Relations
10 Commission] **COMMISSION ON CIVIL RIGHTS**, the Public Service Commission, and
11 the State Ethics Commission.

12 (b) Unless a proposed regulation is submitted to the Attorney General or to
13 the unit counsel for approval as to legality, the regulation:

14 (1) may not be adopted under any statutory authority; and

15 (2) if adopted, is not effective.

16 10–1103.

17 (a) Each State department, agency, or program listed or identified under
18 subsection (c) of this section shall take reasonable steps to provide equal access to
19 public services for individuals with limited English proficiency.

20 (b) Reasonable steps to provide equal access to public services include:

21 (1) the provision of oral language services for individuals with limited
22 English proficiency, which must be through face-to-face, in-house oral language
23 services if contact between the agency and individuals with limited English proficiency
24 is on a weekly or more frequent basis;

25 (2) (i) the translation of vital documents ordinarily provided to the
26 public into any language spoken by any limited English proficient population that
27 constitutes 3% of the overall population within the geographic area served by a local
28 office of a State program as measured by the United States Census; and

29 (ii) the provision of vital documents translated under item (i) of
30 this paragraph on a statewide basis to any local office as necessary; and

1 (3) any additional methods or means necessary to achieve equal access
2 to public services.

3 (c) The provisions of this subtitle shall be fully implemented according to the
4 following schedule:

5 (i) on or before July 1, 2003, full implementation by:

- 6 1. the Department of Human Resources;
- 7 2. the Department of Labor, Licensing, and Regulation;
- 8 3. the Department of Health and Mental Hygiene;
- 9 4. the Department of Juvenile Justice; and
- 10 5. the Workers' Compensation Commission;

11 (ii) on or before July 1, 2004, full implementation by:

- 12 1. the Department of Aging;
- 13 2. the Department of Public Safety and Correctional Services;
- 14 3. the Department of Transportation, not including the
15 Maryland Transit Administration;
- 16 4. the Maryland [Human Relations Commission]
17 **COMMISSION ON CIVIL RIGHTS;**
- 18 5. the Department of State Police; and
- 19 6. five independent agencies, boards, or commissions, to be
20 determined by the Secretary of the Department of Human Resources, in consultation
21 with the Office of the Attorney General;

22 (iii) on or before July 1, 2005, full implementation by:

- 23 1. the Comptroller of Maryland;
- 24 2. the Department of Housing and Community Development;
- 25 3. the Maryland Transit Administration;
- 26 4. the Department of Natural Resources;
- 27 5. the Maryland State Department of Education;

1 6. the Office of the Attorney General; and

2 7. five independent agencies, boards, or commissions to be
3 determined by the Secretary of the Department of Human Resources, in consultation
4 with the Office of the Attorney General; and

5 (iv) on or before July 1, 2006, full implementation by:

6 1. the Department of Agriculture;

7 2. the Department of Business and Economic Development;

8 3. the Department of Veterans Affairs;

9 4. the Department of the Environment; and

10 5. five independent agencies, boards, or commissions to be
11 determined by the Secretary of the Department of Human Resources, in consultation
12 with the Office of the Attorney General.

13 20–101.

14 (a) In Subtitles 1 through 11 of this title the following words have the
15 meanings indicated.

16 (b) “Commission” means the Commission on [Human Relations] **CIVIL**
17 **RIGHTS**.

18 (c) “Complainant” means a person that files a complaint alleging a
19 discriminatory act under this title.

20 (d) “Discriminatory act” means an act prohibited under:

21 (1) Subtitle 3 of this title (Discrimination in Places of Public
22 Accommodation);

23 (2) Subtitle 4 of this title (Discrimination by Persons Licensed or
24 Regulated by Department of Labor, Licensing, and Regulation);

25 (3) Subtitle 5 of this title (Discrimination in Leasing of Commercial
26 Property);

27 (4) Subtitle 6 of this title (Discrimination in Employment);

28 (5) Subtitle 7 of this title (Discrimination in Housing); or

1 **Article – Transportation**

2 5–408.

3 (a) In its operation of an airport, airport facility, or air navigation facility
4 owned or controlled by this State, the Administration, with the approval of the
5 Secretary and subject to the direction of the Commission, may contract, lease, or
6 otherwise arrange with any person to:

7 (1) Provide the person with services furnished by the Administration
8 or its agents at the airport or facility; or

9 (2) Grant to the person the privilege of:

10 (i) Using or improving for commercial purposes any part of the
11 airport or facility; or

12 (ii) Supplying services, facilities, goods, commodities, or other
13 things at the airport or facility.

14 (b) (1) For the privileges granted, the Administration may establish any
15 terms and conditions and fix any charges, rentals, or fees that:

16 (i) Are reasonable and uniform for the same class of privilege or
17 service;

18 (ii) Are established with due regard to the property and
19 improvements used and the expenses of operation to this State; and

20 (iii) Do not deprive the public of its rightful, equal, and uniform
21 use of any part of the airport or facility.

22 (2) The Administration shall monitor the charges, fees, or prices of any
23 goods or services offered to the public by persons granted the privilege under this
24 section. Every contract, lease, or other arrangement shall provide that charges, fees, or
25 prices:

26 (i) May not be increased without the prior approval of the
27 Administration; and

28 (ii) Are to be reasonable. In determining reasonableness the
29 Administration shall consider the charges, fees, or prices for the same goods or
30 services at comparable airports.

31 (3) The Administration shall:

32 (i) Monitor the employment practices under Title 20, Subtitle 6
33 of the State Government Article of persons granted privileges under this section; and

1 (ii) Refer for investigation all alleged violations of § 20–606 of
2 the State Government Article to the State Commission on [Human Relations] **CIVIL**
3 **RIGHTS**, the Equal Employment Opportunity Commission, or any appropriate State
4 or federal administrative body.

5 (c) (1) In this subsection, “commercial activity” means the sale,
6 merchandising, marketing, or promotion of any goods or services.

7 (2) Commercial activity is permitted at an airport operated by the
8 Administration only when expressly authorized by and in a manner prescribed by the
9 Administration.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.